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OEA

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 6 (Sub-No. 472X)

**BNSF Railway Company - Abandonment Exemption –
in Stearns County, Minn.**

BACKGROUND

On January 31, 2011, BNSF Railway Company (BNSF), filed a petition under 49 U.S.C. § 10502 seeking exemption from the provisions of 49 U.S.C. § 10903 for BNSF to abandon a line of railroad in Stearns County, MN. The rail line proposed for abandonment is a 7.05-mile segment between milepost 9.16, at Rockville, MN, and milepost 16.21, at Cold Spring, MN, in Stearns County, MN (Line). A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

DESCRIPTION OF THE RAIL LINE

The Line is located approximately 80 miles northwest of Minneapolis, MN. The land of Stearns County consists of rolling hills, scenic lakes, and woodlands of a mixture of coniferous and deciduous trees. There are 166 lakes in Stearns County. According to BNSF, the last remaining customer on the Line proposed for abandonment was Wenner Gas Company, Inc., which relocated its facility to a new industrial park in Rockville, MN. Wenner Gas Company submitted a letter on November 25, 2009 indicating its support of the proposed abandonment. Because of the low volume of rail traffic over the Line, BNSF has performed only limited maintenance on the Line in recent years. If the Board should approve this proposed abandonment, BNSF would salvage the track materials and leave the ballast and any bridges and culverts in place.

ENVIRONMENTAL REVIEW

BNSF submitted an Environmental Report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. BNSF served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a

The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As noted above, the Line's only customer, Wenner Gas Company, has relocated to a new industrial park in Rockville, MN, and supports the proposed abandonment. In its letter of support dated November 25, 2009, Wenner Gas Company states that it supports the abandonment subject to the provisions of its Industry Track Sublease Agreement with Northern Lines Railroad dated November 25, 2009.^{2 3}

BNSF also notes in its petition that no passenger or overhead rail traffic has moved over the Line in many years. Therefore the proposed abandonment would not adversely affect local or regional transportation systems or patterns.

According to BNSF, since the Line's only remaining customer has relocated; abandonment of the Line would have no effect on the transportation of energy resources, the movement or recovery of recyclable commodities, or result in the increase or decrease in overall energy efficiency.

Salvage Activities

If the Board should approve the proposed abandonment, BNSF would salvage the track materials and sell the salvaged components for reuse, rerolling or as scrap. If approved, BNSF states that salvage would occur as follows:

The salvage process would begin with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) would be removed. Next the wooden ties would be raised from among the ballast with a tool designed for minimum disruption of the ground material. The ties would then be separated into three groups as follows: (1) good quality ties that would be re-used in rail service, (2) landscape-quality ties that would be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

All bridges, culverts, ballast and right-of-way would remain intact so as not to alter the prevailing waterflows along the Line. BNSF's salvage contractors would be required to limit

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² Wenner Gas Company and Northern Lines Railway, LLC, have reached an agreement allowing it use of a sidetrack for the purpose of receiving and transloading liquefied petroleum gas.

³ On March 3, 2011, Northern Lines Railway, LLC, filed a discontinuance of service over the Line. See STB Docket No. AB 1011 Sub No. 1X.

their activities to the width of the right-of-way and to not place fills or other material in water bodies, including inland waterways. When the salvage process has been completed, waterflows in the area would not have been disrupted. Finally, all road crossings would be removed and remediated, then resurfaced with gravel, asphalt or concrete, as required by governing authority. Any railroad signals would also dismantled and removed.

BNSF's salvage work for abandonments is always performed by experienced rail material salvagers. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Board. Completed work would be independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including Board imposed conditions, if applicable.

According to BNSF, if the Board were to approve this proposed abandonment, there would be no adverse effect upon public health and safety. BNSF states that there is 1 pedestrian at-grade crossing, 18 private at-grade crossings, 2 public railroad under crossings, and 13 public at-grade crossings.

Comments Received from Agencies

BNSF states that the proposed abandonment is consistent with existing land use plans. In a letters dated April 15 and 23, 2010, the cities of Rockville, MN, and Cold Spring, MN, respectively, confirm BNSF's statement and aver that the proposed abandonment is consistent with existing land use plans.

In addition, the cities of Rockville, MN, Cold Spring, MN, and Richmond, MN, have formed a trail association, ROCORI Trail Construction Board (RTCB), and express interest in railbanking the Line to develop a trail that would connect to other trail networks in the area.

In a letter dated February 14, 2011, the general counsel for the RTCB indicates that the RTCB supports the proposed abandonment and requests issuance of a Public Use Condition as well as a certificate or Notice of Interim Trail Use. The RTCB requests that the Board impose a number of conditions on the abandonment that would (1) prohibit BNSF from disposing of the corridor with the exception of the tracks, ties and signal equipment, except of public use and reasonable terms and (2) prevent BNSF from removing potential trail-related structures such as bridges, trestles, culverts and tunnels. RTCB also requests 180 days from the effective date from abandonment authorizations to review title information, perform an appraisal, or commence negotiations with BNSF. These issues are more properly addressed by RTCB and BNSF during any trails use negotiations that may occur rather than in the environmental review of the proposed abandonment.

In a letter dated March 1, 2011, BNSF states that it does not object to an issuance of a Notice of Interim Trails Use on behalf of the RTCB. The Director of the Stearns County Parks, on behalf of Stearns County, also states its support for the RTCB's position in a letter dated March 3, 2011.

According to BNSF, there are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

BNSF does not believe that the proposed abandonment would adversely affect endangered or threatened species or areas designated as critical habitat or wildlife sanctuaries or refuges, or any National or State parks or forests. However, the RTCB notes that the Line runs along a MN Department of Natural Resources (MN-DNR) protected heron rookery. OEA verified that the Line does pass through the southern boundary of the heron rookery. However, according to MN-DNR, the herons abandoned the site in 1989 and have not returned.⁴

In a letter dated April 20, 2010, the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) states the project sponsors are not USDA program benefit recipients and thus the wetland conservation provisions of the 1985 Food Security Act are not applicable. The NRCS also notes that the proposed abandonment may impact agricultural lands. However, on March 24, 2011, the NRCS clarified, via telephone, that if salvage activities would be limited to the right-of-way, that the proposed abandonment would result in no impact to agricultural lands.

The U.S. Department of Interior, Bureau of Land Management (BLM), in a letter dated April 19, 2010, states that it does not possess natural resource information relevant to this abandonment. The BLM further states that the right-of-way was granted for railroad purposes only and reverts to the Federal government upon provision of abandonment in the 1922 Act and the 1988 National Trails Amendment Act. However, in a follow-up email dated August 20, 2010, the BLM clarified that there is not a Federal revisionary interest as previously thought.

BNSF believes that the proposed abandonment is consistent with applicable Federal, State and local water quality standards and would not require any permits under Section 402 of the Clean Water Act. BNSF also states that the abandonment would not affect any designated wetlands or 100-year floodplains.

In an email dated January 7, 2011, the U.S. Department of Commerce, National Geodetic Survey (NGS) identified 17 geodetic survey markers that may be disturbed by the proposed abandonment. Therefore, OEA will recommend that BNSF Railway Company consult with the NGS prior to the commencement of any salvage activities.

Based on all information available to date, OEA does not believe that should salvage occur that such activities would cause significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, BNSF states that right-of-way is approximately 100 feet wide and includes no federally granted rights of way. According to BNSF, there are a total to 2 bridges on

⁴ For more information, please visit: <http://www.dnr.state.mn.us/snas/sna00964/index.html>

the Line, which are thought to be 50 years old or older. The 2 bridges were constructed in 1929 and are located at mileposts 9.2 and 13.5. BNSF states that all bridges and culverts would remain intact.

As a result of the land disturbance during original construction of the Line, BNSF believes that any archaeological resources that may have been located in the area of the proposed abandonment would have been affected at that time.

On May 24, 1886, the original grantee, St. Cloud Mankato & Austin Railroad Company (SMAC) was incorporated on February 28, 1865 under a special act of the MN legislature. The SMAC was the earliest predecessor to the Great Northern Railway Company (GN). SMAC sold the Line to The St. Paul, Minneapolis and Manitoba Railway Company (SPMM). On November 1, 1907, SPMM sold the Line to the GN. In 1970, GN merged with Northern Pacific Railway Company, Pacific Coast Railroad Company and Chicago, Burlington & Quincy Railroad Company to become Burlington Northern, Inc. The latter changed its name to Burlington Northern Railroad Company (BNRR) in 1981. BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company. BNRR changed its name to BNSF Railway Company in January 2005.

BNSF served the Historic Report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Minnesota Historical Society (SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO in letters dated November 23, 2010, and November 29, 2010, states that the section of the rail line, formally part of the GN, starting at East St. Cloud, MN and ending in Sioux Falls, SD, has been determined eligible for the National Register.⁵ The proposed abandonment is located in this section of rail line determined eligible for the National Register. However, the SHPO finds that removal of the ties, rails and crossing control equipment would not result in an adverse effect. The SHPO further notes that if the ballast, rail grade, bridges or culverts are removed, that it would result in an adverse effect. OEA notes that BNSF has stated that all bridges, culverts, ballast and right-of-way would remain intact. Therefore, the abandonment as proposed would not result in adverse effect to historic properties and, as explained below, this determination concludes the historic review process.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.5(b), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

⁵ The determination as made by the Minnesota Department of Transportation in a letter dated January 30, 2009.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.⁶ The database indicated that there are 21 federally-recognized tribes, may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to the following 21 federally-recognized tribes for review and comment:

1. Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
2. Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota
3. Flandreau Santee Sioux Tribe of South Dakota
4. Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota
5. Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota
6. Keweenaw Bay Indian Community, Michigan
7. Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
8. Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan
9. Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota
10. Lower Sioux Indian Community in the State of Minnesota
11. Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota
12. Minnesota Chippewa Tribe, Minnesota
13. Prairie Island Indian Community in the State of Minnesota
14. Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
15. Santee Sioux Nation, Nebraska
16. Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
17. Sokaogon Chippewa Community, Wisconsin
18. Spirit Lake Tribe, North Dakota
19. St. Croix Chippewa Indians of Wisconsin
20. Upper Sioux Community, Minnesota
21. White Earth Band of Minnesota Chippewa Tribe, Minnesota

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

⁶ Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited March 24, 2011).

BNSF Railway Company shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any geodetic station markers.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, that abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental

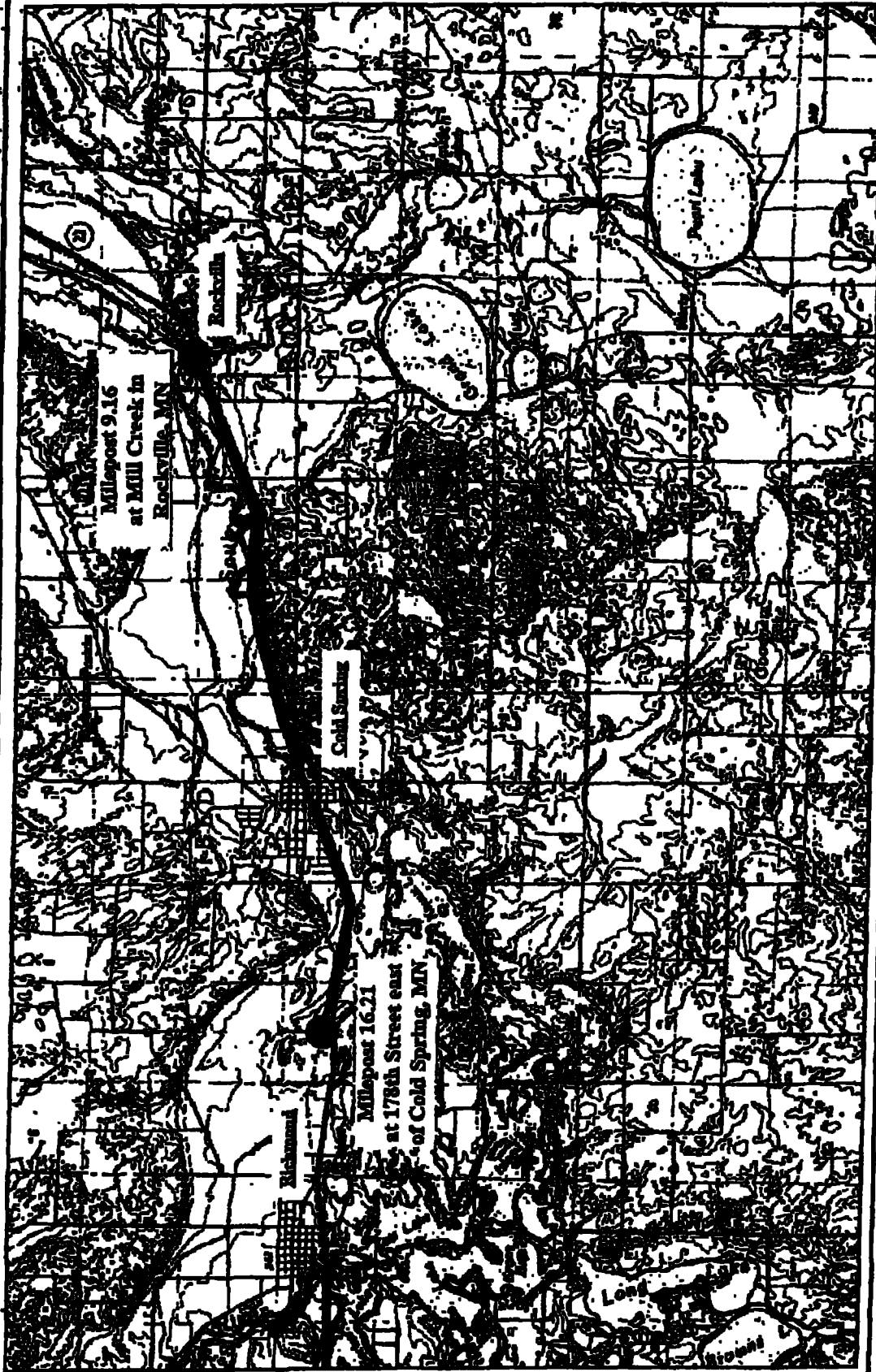
comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 6 (Sub-No. 472X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: April 1, 2011.

Comment due date: May 2, 2011.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment



STB Docket No.
AB-6 (Sub-No. 472X)

Rockville to Cold Spring,
Minnesota

BNSF Line Segment 203
Milepost 9.16 to Milepost 16.21

Cold Spring Branch
Stearns County

Base Map - United States Geological Survey
Litchfield, Minnesota
30 x 60 minute series
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